

DECISION

The decision described below is based on consideration of the park's purposes and mission, resources and values, NPS policies, comments received throughout the EIS process, including comments on the DEIS, and information and analysis in the EIS. The Park Service believes this option best meets the objectives expressed in the EIS. It addresses the continuing demand for motor vessel access into Glacier Bay and will ensure continuing protection of resources and values, improve visitor opportunities, and simplify and clarify vessel operating requirements. The rationale for this decision is described in the section following this one entitled, "Basis for the Decision."

The NPS has selected alternative 6, as described in the FEIS, with the following modifications:

The July 1 through August 31 timeframe during which a 0.25-nautical-mile vessel approach distance to a seal hauled out on ice in Johns Hopkins Inlet waters will be retained as in current regulations and will not be extended to year-round. This was evaluated under alternatives 1, 2, and 3 in the DEIS and FEIS.

A 13-knot speed limit for vessels greater than or equal to 262 feet (80 meters) will be in effect in Glacier Bay *as needed* rather than on a year-round basis. A 13-knot year-round speed limit throughout Glacier Bay for this vessel size was evaluated in the DEIS under alternatives 4 and 5 and in the FEIS under alternatives 4, 5, and 6. Current regulations do not require this, and the current situation was evaluated under alternatives 1, 2, and 3 in the DEIS and FEIS.

Studies and monitoring are insufficient to warrant immediate implementation of motor vessel limits for Dundas Bay at this time. This represents current conditions, and the effects of continuing under current conditions were evaluated under alternatives 1, 2, and 3 in the DEIS and FEIS. The effects of vessel limits in Dundas Bay were evaluated in the DEIS under alternatives 4 and 5, and in the FEIS under alternatives 4, 5, and 6.

Vessel Quotas

The current daily vessel quotas in Glacier Bay will not change. They will continue as follows: two cruise ships, three tour vessels, six charter vessels, and 25 private vessels. Daily quotas for cruise ships and tour vessels will continue to apply year-round. Daily quotas for charter and private vessels will continue to apply from June 1 through August 31.

Seasonal entry quotas will be eliminated. Seasonal-use day quotas will continue to apply. For cruise ships, the seasonal-use day quota will be 139 from June 1 through August 31, with potential for increases to a maximum of 184. In May and September, the seasonal-use day quota for cruise ships will be 92, with potential for increases up to 122 (see table 1). Any increases will be incremental and based on scientific and other information and applicable authorities (see the "Studies and Monitoring" section).

The seasonal-use day quota for tour, charter, and private vessels is the allowable daily vessel quota multiplied by the number of days in the season. The season during which seasonal-use days will apply for

these three types of vessels is June 1 through August 31 (92 days). Thus, the seasonal-use day quotas for tour, charter, and private vessels are:

- 276 for tour vessels (three per day multiplied by 92 days).
- 552 for charter vessels (six per day multiplied by 92 days).
- 2,300 for private vessels (25 per day multiplied by 92 days).

TABLE 1: SUMMARY OF VESSEL QUOTAS FOR GLACIER BAY, MAY 1–SEPTEMBER 30^a

Vessel Class	Daily Vessel Quota		Seasonal-Use Days	
	June–Aug.	May and Sept.	June–Aug.	May and Sept.
Cruise ship ^a	2	2	139 (potentially up to 184)	92 (potentially up to 122)
Tour vessel ^a	3	3	276	183
Charter vessel ^b	6	No limit	552	No limit
Private vessel ^b	25	No limit	2,300	No limit

a. Cruise ships and tour vessels are limited to the daily vessel quota year-round.
 b. Charter and private vessels are not subject to quotas from September through May.

Vessel Operating Requirements

The Park Service is revising operating requirements, as described below. These revisions are intended to protect park resources and values, improve visitor experience, and simplify regulations, where possible. Table 2 lists the operating requirements that are included in the decision. Table 3 lists definitions pertinent to the decision.

Permitting Procedures. Permits will be issued to a designated individual for a specific vessel over a specific period of time, rather than issued to a vessel.

The exemption for private vessels based in Bartlett Cove to enter and exit Glacier Bay (these are not currently counted as daily entries) without a permit will be eliminated.

Up to 10 permits may be issued to private vessels on “short-notice” daily. This number may be adjusted annually through use of the park compendium. These permits will be issued, on a space available basis, to any individual who requests a permit within 48 hours of entering Glacier Bay.

Speed Restrictions.

- The superintendent may impose a 13-knot speed limit, as necessary, for motor vessels greater than or equal to 262 feet (80 meters) in length throughout Glacier Bay due to the presence of humpback whales. Park Service staff will monitor whale abundance, movements, and distribution, and provide this information to the park superintendent, who will then determine whether to set a 13-knot speed limit for vessels of this length or greater.

TABLE 2: VESSEL OPERATING REQUIREMENTS

Quota Season	Glacier Bay: June 1 through August 31 for tour, charter, and private vessels. May 1 through September 30 for cruise ships.
Speed Restrictions	<p>Year-round, as needed, in Glacier Bay the following is prohibited for motor vessels ≥ 262 feet (80 meters) in length: Operating at more than 13 knots speed through the water, to reduce risks of vessel collisions with whales.</p> <p>May 15 through September 30, in waters of lower Bay whale waters, the following is prohibited for motor vessels < 262 feet (80 meters) in length: Operating at more than 20 knots speed through the water.</p> <p>May 15 through September 30, in waters of Glacier Bay and Dundas Bay the following is prohibited: Operating a motor vessel at more than 13 knots speed through the water when the superintendent has designated a maximum speed of 13 knots due to the presence of whales.</p>
Whale Water Geographic Locations	<p>May 15 through September 30: Lower Glacier Bay waters.</p> <p>The superintendent may designate temporary whale waters and impose motor vessel speed restrictions in whale waters in any portion of Glacier Bay and Dundas Bay.</p>
Measurement of Vessel Speed	Vessel speed is measured "through the water."
Non-Motorized (Closed) Waters for Cruise Ships	Same as in existing regulations and the following additional closed waters in Glacier Bay: Beardslee Entrance and the entrance to Adams Inlet.
Non-Motorized (Closed) Waters for Tour Vessels	Same as in existing regulations and the following additional closed waters in Glacier Bay: Beardslee Entrance and the entrance to Adams Inlet.
Ferry Vessel Operating Requirements	Same as in existing regulations and, in addition, cannot deviate from a direct course between the mouth of Glacier Bay and Bartlett Cove.
Vessel Routes	None except in designated whale waters where: Operators of motor vessels over 18 feet in length will in all cases where the width of the water permits, maintain a distance of at least one nautical mile from shore, and, in narrower areas will navigate in mid-channel: Provided, however, that unless other restrictions apply, operators may perpendicularly approach or land on shore (i.e., by the most direct line to shore) through designated whale waters.
Harbor Seal Vessel Approach Distance in Johns Hopkins Inlet	Cruise ships, tour vessels, charter vessels, and private vessels must maintain a 0.25 nautical mile distance from all harbor seals hauled out on ice in Johns Hopkins Inlet from July 1 through August 31.
Short-Notice Private Vessel Permits	Ten permits for private vessels would be issued on a short-notice. This number may be adjusted annually through use of the park compendium. Private vessel operators could obtain one of these permits by making a reservation within 48 hours of when they desired to enter Glacier Bay.
Permit Exemption for Vessels Based in Bartlett Cove	Entrance and egress exemptions for vessels based in Bartlett Cove are eliminated. A permit is not required for a vessel that is operated in Bartlett Cove in waters bounded by the public and administrative docks.
Deviation from Vessel Operating Requirements	Deviation from vessel operating requirements may be made when the safety of passengers or the vessel is immediately threatened. Where possible, operators should notify the National Park Service prior to the deviation. In all cases, notifications must be made as soon as it is safe to do so.

TABLE 3: DEFINITIONS

Term	Definition
Adams Inlet (wilderness boundary)	East of the wilderness boundary at the mouth of the inlet.
Administrative Use	Any motor vessel engaged in official government business.
Administrative Vessel	Any vessel involved in administrative use.
Bartlett Cove Passenger Ferry ^a	A motor vessel of less than 100 tons gross (U.S. System) or 2,000 tons gross (International Convention System) permitted by the superintendent to engage in the transport of passengers for hire into Bartlett Cove from Juneau with sole purpose of accessing park or other authorized visitor services or facilities at, or originating from, the public dock area at Bartlett Cove.
Beardslee Entrance (wilderness boundary)	East of the wilderness boundary at the Beardslee Entrance and south of the wilderness boundary extending from Sita Reef to Beartrack Cove.
Charter Vessel	Any motor vessel of less than 100 tons gross (U.S. System) or 2,000 tons gross (International Convention System) engaged in transport of passengers for hire and rated to carry up to 12 passengers overnight or up to 49 passengers for daytime use, except when operating as an administrative vessel. Charter vessels also include any uninspected vessel of less than 200 tons gross (U.S. Simplified Measurement System) and not more than 24 meters (79 feet) in length engaged in transport of passengers for hire, except when operating as an administrative vessel.
Cruise Ship	Any motor vessel of at least 100 tons gross (U.S. System) or 2,000 tons gross (International Convention System) carrying more than 12 passengers for hire, except when operating as an administrative vessel (administrative vessels are those engaged in official government business, including research).
Daily Vessel Quota	The number of vessel-use days allowed in an area on any one calendar day.
Dundas Bay	All waters inside a line drawn between Point Dundas and Point Wimbledon.
Glacier Bay	All marine waters inside a line drawn between Point Gustavus and Point Carolus.
Private Vessel	Any motor vessel used for recreation that is not engaged in commercial transport of passengers, commercial fishing, or official government business.
Seasonal-Use Days	The number of vessel-use days allowed during a specific seasonal period.
Short-Notice Private Vessel Permits	Permits available to private vessels on short notice. Private vessel operators could obtain one of these permits by making a reservation within 48 hours of when they desire to enter Glacier Bay.
Speed Through the Water	The speed at which a vessel moves through the water (which itself may be moving), as distinguished from "speed over the ground." ^b
Tour Vessel	Any motor vessel of less than 100 tons gross (U.S. System) or 2,000 tons gross (International Convention System) engaged in transport of passengers for hire and rated to carry more than 12 passengers overnight or greater than 49 passengers for daytime use, except when operating as an administrative vessel.
Vessel-Use Days	When a motor vessel is in Glacier Bay or Dundas Bay operating under its permit for that calendar day.
Whale Waters	Any portion of Glacier Bay, designated by the superintendent, having a high probability of whale occupancy, based upon recent sighting or past patterns of occurrence.

a. See Title I, section 127, of the Department of the Interior and Related Agencies Appropriations Act of 1988 (Public Law 105-83), which authorizes one entry per day for a passenger ferry into Bartlett Cove from Juneau.

b. The term "speed over the ground" is referenced in the current regulations, but no definition is provided. It is presumed to be speed measured in relation to a fixed point on the earth.

NA = Not applicable.

CFR = Code of Federal Regulations.

- From May 15 through September 30, in lower Bay whale waters, the following will be prohibited: operating a motor vessel at more than 20 knots through the water.
- At any time of year in waters of Glacier Bay or Dundas Bay, the following will be prohibited: operating a motor vessel at more than 13 knots through the water when and where the superintendent has designated a maximum speed of 13 knots because of the presence of whales.

Whale Water Geographic Locations. Whale waters will be designated within the current lower Glacier Bay waters from May 15 through September 30. As authorized in current regulations, the superintendent may designate temporary whale waters in any portion of Glacier Bay or Dundas Bay.

Measurement of Vessel Speed. Vessel speed will be measured as “through the water,” the same as specified in current regulations.

Closed Waters, Islands, and Other Areas. No additional waters, islands, or other areas will be closed to all motor vessels under this decision.

Non-Motorized (Closed) Waters for Cruise Ships. Additional waters closed to cruise ships are Beardslee Entrance and the entrance to Adams Inlet in Glacier Bay.

Non-Motorized (Closed) Waters for Tour Vessels. Additional waters closed to tour vessels are Beardslee Entrance and the entrance to Adams Inlet in Glacier Bay.

Ferry Vessel Operating Requirements. Per section 127, Public Law 105-83, the ferry is restricted to the sole purpose of accessing the Bartlett Cove dock. The ferry will be subject to speed, distance from coastlines, and other operating requirements common to all vessel types. The ferry may not deviate from a direct course between the mouth of Glacier Bay and Bartlett Cove.

Vessel Routes. No vessel routes will be established except in designated whale waters (i.e., the lower Bay whale waters), and the following language in the current regulations will remain unchanged: “Except on vessels actually fishing as otherwise authorized by the superintendent or vessels operating solely under sail, while in transit, operators of motor vessels over 18 feet in length will in all cases where the width of the water permits, maintain a distance of at least one nautical mile from shore, and, in narrower areas will navigate in mid-channel: Provided, however, that unless other restrictions apply, operators may perpendicularly approach or land on shore (i.e., by the most direct line to shore) through designated whale waters.”

Harbor Seal Vessel Approach Distance in Johns Hopkins Inlet. This will remain unchanged from the current regulations. That language is as follows: “The following is prohibited: operating a vessel or a seaplane on Johns Hopkins Inlet waters south of 58 degrees 54.2 latitude (an imaginary line running approximately due west from Jaw Point), within 0.25 nautical mile of a seal hauled out on ice; except when safe navigation requires, and then with due care to maintain the 0.25 nautical mile distance from concentrations of seals.” This regulation will continue to apply from July 1 through August 31. (Note: In accordance with the current regulations, which will not be changed with this decision, Johns Hopkins Inlet waters are closed to cruise ships from May 1 to August 31 and to all vessels from May 1 to June 30.)

Deviation from Vessel Operating Requirements. Deviation from vessel operating requirements may be made when the safety of passengers or the vessel is immediately threatened. Where possible, operators shall notify the Park Service before the deviation. In all cases, notifications must be made as soon as it is safe to do so.

BASIS FOR THE DECISION

This section provides the rationale for the decision described in the previous section. The basis for the decision stems from the objectives, purposes, and need for vessel management in Glacier Bay National Park and Preserve, including:

- protecting park resources and values.
- providing for visitor demand for motor vessel access to Glacier and Dundas Bays.
- providing a range of visitor experiences consistent with the purposes and values of Glacier Bay National Park and Preserve.
- improving operating requirements to make them more effective and easier to understand and implement.

The Park Service considered six sets of quotas and operating requirements that would meet these objectives in various ways and to varying degrees. Based on the analysis presented in the FEIS, public input, and discussions among park staff and management, the option selected was determined to meet these objectives best.

As mentioned above, this decision modifies alternative 6. Among other things, alternative 6 would impose: 1) a year-round, 13-knot speed limit for vessels greater than or equal to 262 feet (80 meters) throughout Glacier Bay for protection of humpback whales, 2) a year-round, 0.25 nautical mile vessel approach distance to a seal hauled out on ice in Johns Hopkins Inlet, and 3) motor vessel limits in Dundas Bay.

Year-round 13-knot speed limit throughout Glacier Bay for large vessels. The Park Service has decided to impose, as necessary, a 13-knot, Glacier Bay wide speed limit for vessels greater than or equal to 262 feet (80 meters). This approach will eliminate an unnecessary imposition of the speed restriction on cruise ships during times when and in areas where whales are not present. The restriction would be imposed as necessary during the year to protect whales; for example, when whales are abundant and dispersed throughout the Bay.

Year-round vessel approach distance to harbor seals. The year-round vessel approach distance of less than 0.25 mile to harbor seals hauled out on ice in Johns Hopkins Inlet was not included because, based on a review of existing information and consultation with harbor seal biologists, it was determined that extending the vessel approach distance timeframe from July 1 through August 31 to year-round would not substantially benefit harbor seals and may unnecessarily restrict vessel traffic. Three principal factors form the basis of the decision not to extend the timeframe:

- Harbor seal presence in Johns Hopkins Inlet declines significantly outside the summer months.
- Vessel traffic declines in fall and winter, so the risk of vessel disturbance to harbor seals is lower.
- Harbor seals tend to spend less time out of the water during fall and winter, so vessel disturbance has less of an energetic cost for them.